IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

CIVIL WRIT PETITION NO.2694 OF 2006

Jadawan Rajbhar .. Petitioner

V/s.

Municipal Corporation of

Gr. Mumbai and Anr. .. Respondents

WITH

CIVIL WRIT PETITION NO.2660 OF 2006

Vasantlal Karia Rajbhar ..Petitioner

V/s

Municipal Corporation of

Gr.Mumbai and Anr. .. Respondents

WITH

Shobhanath Bhusu Dhobi .. Petitioner

V/s

Municipal Corporation of

Gr.Mumbai and Anr. ..Respondents

Shri T.D.Singh for Petitioner

Shri R.A.Malankar with J.J.Xavier for Respondent no.1

CORAM : B.H. MARLAPALLE & S.R. SATHE,JJ.

DATED : 24/04/2007

P.C.

1. All these petitions challenge separate orders rejecting Notices of Motion taken out in the suits filed challenging the notice issued under Section 55 of MRTP Act, 1966 and the suits are still pending.

2. Undoubtedly, the impugned orders are appealable orders and therefore, as such statutory remedy of appeal is available, a Writ Petition challenging the notices of the Corporation need not be agitated.

3. The learned Counsel for the Petitioners then submitted that he will file appeals against the order dismissing the Notices of Motion but in the meanwhile there should be some protection granted to the Petitioners. We have noted that by impugned order further four weeks protection is granted in terms of status quo enabling the petitioners to file an appeal against the said order.

4. Instead of filing the appeals, these petitions were filed in which there is no order of ad-interim reliefs granted at any time and therefore the prayer for protection cannot be considered at this stage when an order of protection is not in existence as of now.

5. Hence the petitions are disposed off as witdhrawn with liberty to the Petitioners to file an appeal.

6. In case such an appeal is presented within a period of two weeks from today, the period of pendency of this petitions be taken into consideration for the purpose of condonation of delay, if any.

(S.R.Sathe,J) (B.H.Marlapalle,J)